

Local 2199 UC Santa Cruz Collective

Questions? Comments? Concerns? Suggestions? Please feel free to call one of us.

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Miriam Ellis, French Language, Merrill. 426-5896.

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LOCAL



NEWS

UC Santa Cruz

UC-AFT Local 2199

Fall 1991

The University Council - American Federation of Teachers
Representing Faculty and Librarians at the University of California

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Agenda for Local 2199 Meeting on Monday, December 9

Greetings

Ed Purcell, UC-AFT Labor Relations Consultant

Where Have We Been?

Roz Spafford

Where Are We Now?

- ~Introduction of the Governing Collective
- ~Report on recruitment efforts
- ~This year's collective bargaining
- ~Treasurer's Report

Where Might We Go? What Might We Do?

Discussion of future plans & possibilities

~ Prospective members welcome ~

Refreshments will be served!

Next Meeting of Local 2199

Monday, December 9

4:00 - 6:00 PM

Cowell Senior Commons Room

(Academic building, second floor)

Refreshments will be Served
Good Company will be Present

Bring Your Issues and Your Friends and Join Us

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Domestic Partners Policy?

If you are interested in getting the University to establish a systemwide domestic partners/gender neutral benefits policy for faculty, staff, and students, please contact Nancy Stoller at Community Studies in College Eight.

A joint subcommittee of the UC Senate's Committees on Affirmative Action and Faculty Welfare is preparing a report on the implementation issues of a possible policy.

A policy could include the following benefits: access to health insurance, eligible survivor benefits, family student housing, housing loan policy, access to recreation and library facilities, family sick leave, and bereavement leave.

Currently in all these areas, unmarried employees and students have fewer benefits available than do married members of the University community.

Solidarity Update

The boycott continues of the Seaside Company (the Boardwalk and Cocoanut Grove), called for by the Santa Cruz local of the Hotel and Restaurant Employees union. The Seaside Company refuses to meet the needs of the workers and has tried to break the union. The boycott also includes the Santa Cruz Holiday Inn and Toyota of Santa Cruz.

In its second year now, the boycott of Greyhound continues after the company hired permanent scab replacements for striking workers. Now the station downtown is up for sale - perhaps there is a connection?

And of course, our own GSEA union for teaching and research assistants/fellows received a frustrating delay in the PERB hearing process. The hearing on their status is now scheduled for early winter quarter.

Members of the Greater Santa Cruz Federation of Teachers picketed a Santa Cruz City School Board meeting this month, protesting the Board's low offer of a 1% salary increase despite a surprise \$2.4 million surplus this year. The teachers' union has asked for a 5% raise to make up for a few years of below-standard COLA's and salary increases.

The nine month boycott of Grand Met products continues, called for by Trabajadores Desplazados of Watsonville, displaced workers from the Green Giant frozen food plant there. The company laid off about 300 mainly women workers from the plant, and moved its operation to Mexico. Grand Metropolitan owns Green Giant, Pillsbury, Burger King, and Haagen Dazs. The workers ask supporters to boycott products made by the above corporations.

The Justice for Janitors campaign continues in Silicon Valley, with the custodians' union leaders hunger striking. They are protesting Apple Computer's contract with a non-union cleaning company that pays low wages and allows intolerable working conditions.

And don't forget, California table grapes are still being boycotted in solidarity with the UFW and their campaign against deadly pesticides and other illegal working conditions.

The Open Files Case

by Richard Terdiman

Last month the UC-AFT received a setback in its case against the University of California regarding the secrecy of the tenure and promotion review process. The lawsuit was filed in 1986 and has been working its way through the courts since then. It is the first constitutional challenge to the University's confidential review system. The system began during the McCarthy era in 1953 as a way of masking administrative investigations of the "disloyalty" of faculty members. The union is trying to force the University to give up

The union argues that due process is violated when academics are denied access to information so vital to their interests.

secrecy on the grounds that the right of privacy in the California Constitution guarantees academics complete access to their personnel files. Furthermore, the right to due process is violated when academics are denied access to information so vital to their interests. The union may appeal the recent decision, and meanwhile we may want to remind ourselves why this case is so important.

In the course of preparing briefs and exhibits in connection with the lawsuit, UC-AFT gathered an extraordinary body of evidence that was presented to the courts considering the case. With a long series of vivid examples, this evidence highlighted the inadequacies and, at times, the astonishing inequities of the University's personnel procedures--particularly of the regulations mandating "confidentiality." The material afforded striking illustrations of the ways in which our personnel practices can inhibit or undermine the right of an individual to contest false or misleading information.

After years of the legal process, the California Court of Appeal has recently dismissed the suit on the narrow grounds that the constitutional autonomy the University enjoys in California gives the UC the right to handle the evaluation of academic personnel as it sees fit.

But the court's disposition of the case did *not* determine "whether the University's procedures are necessary or wise." The court only decided that the court did not have the right to decide whether these procedures are wise or not.

For UC faculty members, the question certainly remains open. Many of us know from experience--our own or that of close colleagues--how easily it can happen that biased or mistaken material enters a file and becomes decisive in the final outcome of a personnel case. While it is certainly unfortunate, it is nevertheless true that personal differences can and do influence the opinions of reviewers, and then be included as an objective statement into personnel files.

The briefs filed by the UC-AFT in the lawsuit document dozens of examples of the most shocking inequities drawn from UC personnel action: secret "killer" letters inserted into files by Chairs or Deans; flagrantly prejudicial comments made by outside reviewers; unfounded accusations leveled against the individual under review--the list goes on. It may be that the University's constitutional autonomy puts it out of the reach of the courts. If the courts cannot control these abuses, then the best means of doing so is *action*

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Lecturers Receive Instructional Improvement Grants

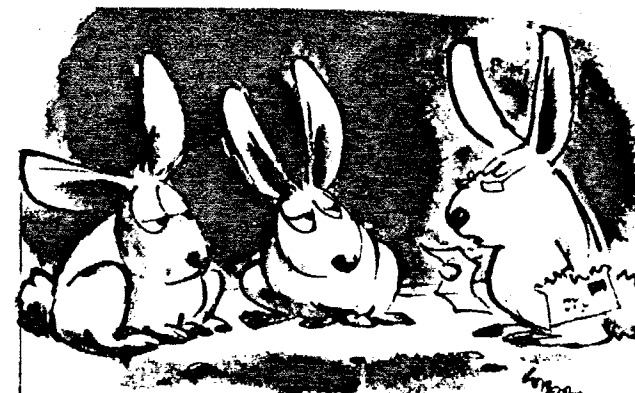
Eighteen lecturers received more than \$11,000 of Instructional Improvement Grants awarded by the Academic Senate's Committee on Teaching last year. The Committee disbursed over \$60,000 for projects to improve the quality of education on campus and twenty percent of the grants went to lecturers for projects in Writing, Music, Environmental Studies, Latin American Studies, Science Illustration, Writing Across the Curriculum, and T.A. training.

One grant enabled Trish Sullivan (Education) and Virginia Draper (Writing) to coordinate the first campuswide conference for teaching assistants in October. The conference included workshops on students' writing (What Can You Expect? What Can You Do? co-led with Dan Scripture), on Engaging Differences: Class, Gender, Ethnicity, Age, Sexual Affiliation (organized by Roz Spafford), and Teaching Quantitative Material/Dealing with Math Anxiety (organized by Miriam Landesman). The all-day conference drew 179 graduate students.

Another grant will make it possible for Virginia Draper, Coordinator of Writing Across the Curriculum, to produce a handbook for faculty on writing and learning and designing writing intensive courses. The handbook will respond to the increasing need for writing intensive courses for students to fulfill the (W) requirement. The handbook will have chapters on sequencing writing assignments, using peer response groups and writing assistants, and responding to students' papers. A copy of the handbook will be available for every faculty member, so look for it spring quarter.

Guillermo Delgado, Latin American Studies, received a grant to make a video of Andean Indian ceremonies to be used at all UC's. Last summer he shot footage of ritual sessions and healing ceremonies by Quechua and Aymara Indians living in the Andes Mountains. With a combined population of over four million people, they are the largest group of Native Americans in Latin America today. They have successfully resisted the influence of other invasive

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"It's from Mr. McGregor. He's now willing to submit to binding arbitration."

A New Vision of the Union

by Roz Spafford

By necessity, our union has zigzagged across the last decade on this campus, changing goals and strategies as our situation has changed. We now have the rare opportunity to choose a direction rather than to be driven to it by the University's actions. In this (probably brief) moment of breathing space, I want to share with you where I think we've been during the time I've been involved, and propose where we might go.

In the early eighties, our goal was recognition. The legislative act allowing higher education faculty to organize--the HEERA--was passed in 1979; shortly afterward, lecturers and librarians on this campus became active in the AFT, an organization which previously had engaged mostly Senate faculty. Our first task was to battle the University's proposal for what we called a wall-to-wall unit, in which everyone from astronomers at Lick to nurses at UCSF to custodians at Irvine to language teachers at UCSC would bargain together.

Bargaining and legal cases--around the University's violations of contract--consumed the union's energies from 1984 into 1989. Though we had no alternative, it had organizational consequences.

We argued to the Public Employee Relations Board (PERB), which governs these issues, that no group's needs would be met if we had to have one contract which covered everyone. We won--though not completely. (This theme will emerge again in the following narrative).

Lecturers at UCSC had argued not only that separate units for various job classifications were essential, but that lecturers would be better represented if each campus had its own unit. As you know, PERB ruled against us, so that lecturers at all campuses bargain together. This may after all be a good thing, as bargaining together we probably have considerably more clout, and lecturers at different campuses cannot be played off against each other. For librarians, the outcome was not so positive. The University's divisive strategy was to remove as many librarians as possible from the category of those who could be represented, declaring many of them "management" and therefore excluded from the union contract.

A second legal battle ensued when the University--perhaps trying to clean house before collective bargaining--declared that lecturers could teach only four years at more than half-time. Under the previous policy, lecturers had been able to teach for eight years before losing their jobs. Because the University had neglected to notify the union before implementing the policy, the union prevailed--after an arduous case before the PERB.

After the units were decided, we had to obtain the exclusive right to represent lecturers and librarians. After a good deal of work, the UC-AFT won both the librarian and the non-Senate faculty elections. (Remember that among the non-Senate faculty are not

New Vision continues on the next page

only lecturers but also field study coordinators, teachers in special programs and supervisors of teacher education).

Previously, the Senate faculty (which does have campus by campus units) at UCSC had voted to be represented by the Faculty Association.

Each unit began bargaining, a process which in the case of the non-Senate faculty took 27 months. It took us 23 of those months to get the University to agree to drop the eight-year rule; indeed, for most of that time the University attempted to reimpose the four-year rule!

Thus, from 1984 to 1986, bargaining completely consumed the union's attention. Though we had no alternative, it had organizational consequences. Bargaining with the University is an arcane, even perverse process, involving a very few people in work that moves slowly while being very demanding. The nuances of any individual session are as intricate and as charged as a Dostoyevsky novel--and as difficult to translate. Thus by the summer of 1986 we had contracts for both groups, but we had to reinvolve the members covered by them.

Almost as soon as the contract was signed, the University proceeded to violate it, in instances too numerous to detail. What has most concerned lecturers at UCSC was the University's effort to artificially limit the number of lecturers who could obtain three-year contracts after six years of service.

University administrators tried various strategies to achieve their goal. The most important one was the designation of a portion (about a third) of the funds allocated to lecturer salaries as three-year money only. They insisted that when that money ran out, no more three-year contracts would be available--so that lecturers at the end of their sixth year would have to leave.

One of the academic justifications given for these policies was the need for "new blood" in the programs that employed many lecturers--the vampire theory of academic administration.

The union blocked the University's strategy in a series of legal cases filed before the PERB, which affirmed the meaning of the contract: long-term lecturers could not be replaced by short-term ones unless their work was found to be not "excellent" after a review. Normally, in their fifth year lecturers come up for review for a three-year contract. If the courses the lecturer teaches will continue to be taught and a lecturer will be needed to teach them, the University cannot staff such courses with new one-year lecturers simply because it prefers to do so.

These legal cases have occupied most of the union's energy since the signing of the contract in 1986. In the summer of 1989, the union and the University made an effort to settle the cases rather than continue through appeals; however, the University promptly violated the settlement that was reached.

Even as we speak, the University may be cooking up a strategy to unmake the contract, and it may be that we will have to spend most of our energy as an organization stopping them. It may also be that the University has enough on its hands with the budget situation and other concerns, and will decide that honoring the contract is far less trouble (and expense) than trying to dismantle it.

If the relative labor peace holds, we can take time to consider what we as a union might want to be, separate from negotiations and court cases.

Of course we have to be an organization which challenges the University any time it tries to violate the contract or abuses its employees. But we also have

always been an organization committed to education and to democracy inside and outside the institution, though the University resisted acknowledging this throughout the bargaining.

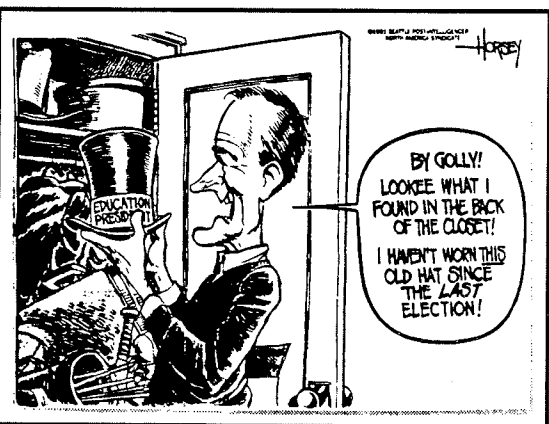
We might model ourselves on Faculty Against the War, considering ways in which our pedagogy, our research, and our activism intersect.

Especially at UCSC, where numerous Senate faculty share these commitments and where there is a large and stable constituency of lecturers with on-going three-year contracts, we may be able to conceive the union's work more broadly. In that the Faculty Association is itself in a transitional period, it may now be a good time to work toward more affiliation between Senate faculty, lecturers, and librarians.

As a coalition of faculty and librarians with long-term relationships to the campus, we might work together to enhance the quality of undergraduate education, likely to be especially pinched in the budget wars. We could constitute ourselves as a multi-issue progressive organization on the campus, one which responds to various challenges, administrative and otherwise, as they occur. We might model ourselves on Faculty Against the War, considering ways in which our pedagogy, our research, and our activism intersect. As a unified group of faculty and librarians, we could be a formidable force, sharing information with and mustering support for each other.

In all these proposals, I am being deliberately vague. If we were to transform as an organization, we would have to begin to define ourselves, not against the University's latest outrage but toward a community that sets its own agenda. I invite you to join me in considering what that agenda might be.

Roz Spafford was co-chief negotiator for the lecturers, and Northern California Vice-President of the UC-AFT. Until 1990 she was also on the representative committee for the UCSC campus.



REMEMBER...

All lecturers whose contracts end in June should reapply--in writing--for their positions to their boards if they want their jobs next year. Winter quarter would be a good time to do this.

Victory for UC-AFT in "Maximum Quota" Case

by Mike Rotkin

In early October, the state Public Employment Relations Board (PERB) ruled that the University must provide three year appointments and compensation for a large number of UCLA lecturers who were illegally denied three year contracts beginning in 1987. The decision reinforced an earlier one that centered around a UCSC case.

The majority PERB decision stated that the University must review lecturers with six years of service when there will be continuing instructional need for non-ladder faculty in an area. It also suggested that lecturers not named in the UCLA case may be able to obtain remedies if they are denied a review for improper reasons. Unfortunately, the fact that there was a minority dissent to the PERB decision probably means the University will continue to waste taxpayer money in pursuing an appeal of the decision to the state Court of Appeal.

The University must review all lecturers with six years of service, to consider them for three year contracts, if there is an educational need.

A summary of the background to the "maximum quota" aspect of the case must begin at the heart of the lecturers' union contract, in the Article on Appointments. The article's most important provision states that after six years (of one- or two-year contracts), all incumbent lecturers must be reviewed and considered for subsequent three-year contracts if there is a "continuing need" for their positions.

Unfortunately, this leaves the University with a great deal of latitude. Instead of reviewing an incumbent lecturer, the University can decide to replace the lecturer with a regular ladder faculty position, it can decide to stop offering courses in a particular area for budget or curricular reasons, or it can review incumbent lecturers and then let them go because they are not "excellent" teachers.

Or, it can review incumbents and offer them a three-year contract, only to later lay them off if anticipated funds are not forthcoming. But what the University cannot do is decide not to review a lecturer in order to replace that person with another temporary faculty member who will teach the same classes.

For some time now, the University on several of its campuses has attempted to do precisely that. Over the past several years at Santa Cruz, UCLA, and UCSB, the University has attempted to establish ratios, absolute totals, or maximum quotas limiting the number of post six-year lecturers it would review for excellence and future multi-year contracts. Various rationales have been offered by the University for this practice, including uncertainty about future funding, the desire for "new blood" among the teaching staff, and the financial savings and increased flexibility that occurs when veteran, excellent teachers about to receive three-year contracts and merit increases are replaced with lower salaried lecturers on one-year contracts.

The educational and moral (and morale) drawbacks of such an approach have not stopped several campus administrations from attempting to implement such policies. However, the cases filed by the UC-AFT on

the basis of the Unit 18 labor contract have now successfully halted this practice. Nevertheless, vigilance is still very important--any lecturer denied a six-year review for any reason should contact the UC-AFT immediately so that we may take swift and appropriate action.

Mike Rotkin is currently Statewide Chief Negotiator for Unit 18 lecturers in talks with the University.

Honor Union Labor

Local Happenings

Part of the AIDS Quilt came to UCSC in mid-November, and was visited by many of the campus community. It is estimated that one million Americans are HIV positive, 2000 to 3000 Santa Cruz County residents among them. Worldwide, one and a half million people are living with AIDS. 94 county area PWA's have died from AIDS-related illnesses. This panel was created in memory of psychology lecturer and consistent union member Charlie Braun, who died in 1985:



Susanne Jonas, lecturer, Latin American Studies, recently published *The Battle for Guatemala: Rebels, Death Squads, and U.S. Power*. The book has been reviewed as the "long awaited, critically needed major analysis of Guatemalan politics that perhaps only Susanne Jonas is capable of writing. Her lengthy experience and great knowledge of the country inform every page."

Jose Saldivar, American Literature, is co-editor of *Criticism in the Borderlands: Studies in Chicano Literature, Culture, and Ideology*, published this year. It is a pathbreaking anthology of Chicano literary criticism and essays.

February 27 - March 8, lecturer Daniel Scheie, Theater Arts, will direct the Sam Shepard play *A Lie of the Mind*. Scheie is an Equity actor and director of Shakespeare Santa Cruz plays *A Comedy of Errors* and *A Midsummer Night's Dream*.

Recruitment Drive Succeeding

The statewide UC-AFT has been on an organizing drive for the past three quarters. Here at UCSC, the local membership is up to 58 % of all teaching lecturers, and 85 % of those over fifty percent time. This quarter the union is starting to recruit Senate faculty. In the first two weeks of the drive, sixty ladder-rank faculty statewide joined up. The union is also working on bringing more librarians into the union.

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cultures and religions, unlike peoples elsewhere whose native religions have been eliminated. Delgado notes that the project is particularly timely as next year is the 500th anniversary of the beginning of the conquest of Latin America by Spain and the introduction of Europeans into North America. Once edited, the videotape will be sent to every UC library for use by students and faculty in Anthropology, Religion, Cultural Studies, Ethnic Studies, and, of course, Latin American Studies.

Another member of the Latin American Studies program, **Susanne Jonas**, received a grant to research course development.

Margaret Fusari, Environmental Studies Board, received a grant to establish the **Pacific Coast Native Plant Garden**, an extension of the UCSC Arboretum. Fusari will assist students in planting a demonstration garden with a variety of trees, shrubs, underbrush, and native grasses. A wetlands area will also be restored and will provide a home for red-legged frogs. Most students working on the project will be Environmental Studies and Biology majors, but many classes will utilize the garden. Students will make paths and interpretive guides for visitors, so plan to drop by when the garden is completed in a year or two.

Steven Emslie, also Environmental Studies, received a grant for **lab materials for natural history courses**. He is currently in Antarctica studying penguins.

Several grants will enhance the offerings of the Music Board. **John Felder**, who teaches music theory and composition, will use his grant to acquire an **electronic sound processor**. He will work with students from the Contemporary Chamber Ensemble to create new music by changing acoustic sounds with the processor. The device will be used by Ensemble students for spring quarter productions.

Paul Rinzler's grant will buy a **library collection of jazz ensemble scores and also amplifiers for instruments**. **Peter Elsea** received a grant for a **video demonstration system** for electronic music. **Roy Malan's** grant will go towards new violin bows; **S. Tramontozzi's** for a bass bow; and **William Winant's** will buy a **drum for early baroque music**. **Mary Jane Cope** will use her grant to purchase metronomes.

Ann Caudle, Science Communication program, received a grant for a **light box**, a small drafting table



Local 2199 is saddened to note the passing of Kresge core course lecturer Jaye Miller, who died this August from an AIDS-related illness. Miller was a founder of the Lesbian and Gay Studies Research Group at UCSC. He was a caring and dedicated teacher and friend to many in the campus community. He will be remembered and missed by all who knew him.

Latino Mayor Wins in Watsonville

Congratulations to the first Latino mayor of Watsonville in 123 years, Oscar Rios. The victory was made possible by a suit filed by the Mexican-American Legal Defense and Educational Fund (MALDEF) protesting legal disenfranchisement. The courts ruled that district elections were necessary to ensure the fair representation of the large Chicano/Mexicano and Latino population of Watsonville. Rios, who helped organize a local community center and worked on the cannery strike five years ago, was elected to the city council two years ago.

lit from the bottom to help students in the Science Illustration program improve their drawing skills.

Charles Atkinson, director of campuswide writing assistants, received a grant to put together a **book of essays by writing tutors on the theory and practice of writing and tutoring**. Peer writing tutors are available in College Writing Centers to help students with writing projects. The booklet will be useful for new and experienced tutors, as well as teaching assistants and faculty.

Sarah-Hope Parmeter's grant will assist her project to develop **academic mentors for elementary school students in Watsonville**. Students in her classes exchange letters, essays, and visits with fifth graders to encourage them to consider attending a university. The two groups meet twice each quarter and once with the families of the Watsonville students. The grant will fund transportation for that evening.

The Academic Senate may change the process for awarding Instructional Improvement Grants, so keep an eye out for notices about when they will be offered again.

IT'S YOUR UNION

**KEEP IT STRONG
AND HEALTHY**

RECRUIT A FRIEND

Open Files Case continued from page 2

by *University faculty* to end the lack of fairness built into the current procedures.

The University's defense of the cloaking of identity in personnel files is the more outrageous simply because it is a university. It would never condone such cloaking in academic research or scholarship. The practices of the academy mean that we sign our work openly and stand behind it for all comers. Yet in this situation, the person who could most accurately critique the objectivity of the evidence--the person being reviewed--is prevented from knowing who has written what.

The University claims that open evaluations might not be objective or candid. This is a bad argument on two grounds. First, it flies in the face of the norm of all scholarly endeavor, which places truthfulness above any other considerations. Secondly, under the guise of protecting good evidence, it actually masks bad evidence. It trades ethics for convenience, and the trade-off is a bad one. When the exact contents of a file or the names of reviewers are masked, the chances of inaccuracy, misrepresentation, bias, or simple irresponsibility and carelessness increase dramatically.

Many other universities nationwide have open files, and the trend is finally affecting UC as well. Last year the University proposed a revision which would uncover the names of certain on-campus reviewers, but maintain the secrecy of off-campus reviewers. This is a good step, and undoubtedly is due to the pressure UC has received from the union, though it would never admit such a thing. However, the step has not been implemented, and it does not go far enough.

The UC-AFT has been the primary organization seeking to achieve conditions of fair treatment both for Senate and non-Senate faculty within the University of California system. The issue that the Court of Appeal has now thrown back to the campuses remains an issue that UC-AFT will work to resolve. We need to open the files and unmask all the various opinions completely. Then, we can begin to live up to the motto of the University: "Let there be light."

Richard Terdiman is a long time union member, both here and at UCSD. He has closely followed the Open Files Case from the beginning of the litigation.

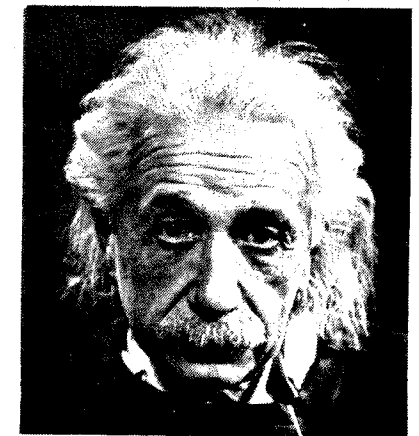
December Meeting to Review Past, Consider Future

New Union Consultant, Ed Purcell, Will Attend

We would especially like to welcome new and prospective members--as well as those longtime members who have been unable to attend recent meetings--to our second gathering of the year, Monday, December 9, 4 - 6 pm, in the Cowell College Senior Commons Room.

Our recently appointed statewide labor consultant, Ed Purcell, will attend to participate in discussions about the future of Local 2199 and the UC-AFT. Before that discussion, Roz Spafford, a UCSC Lecturer in Writing who played a major role in the bargaining that produced the Unit 18 MOU (thus saving many of us from dismissal after 8 years of teaching), will give a brief history of Local 2199 and UC-AFT, featuring our latest legal victory. We will report on this year's recruitment efforts, introduce the governing collective, and review this year's activities, including the Unit 18 contract talks that will begin early in 1992.

Finally, we will discuss who and what the Union can be. We will consider how the Union might respond to the various concerns of our members, concerns that relate to our teaching and doing our work at UCSC.



"I consider it important, indeed urgently necessary, for intellectual workers to get together, both to protect their own economic status and, also, generally speaking, to secure their influence in the political field."

Albert Einstein, on why he joined the AFT

Any newsletter errors are solely the responsibility of the editor. Comments and contributions are welcome. Send to Stacy Johnson, Local News Editor, 428 Grant St., Santa Cruz CA 95060. Thanks and acknowledgements to AFT publications, Currents, the Comic News, the Sentinel, and the New Yorker.